

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

NATHANIEL HINES,

Plaintiff,

Case No. 14-cv-13619

v.

Honorable Thomas L. Ludington
Magistrate Stephanie Dawkins Davis

MICHIGAN DEPARTMENT OF
CORRECTIONS, et al.,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION, GRANTING
DEFENDANT'S MOTION TO DISMISS, AND DISMISSING PLAINTIFF'S
COMPLAINT**

On September 17, 2014, Plaintiff Nathaniel Hines filed a Complaint against Defendants alleging he was involuntarily injected with anti-psychotic medication in violation of the Eighth Amendment and his due process rights. Compl., ECF No. 1. On February 10, 2016, Defendants filed a motion to dismiss. ECF No. 44. On August 22, 2016, Magistrate Judge Davis issued a report recommending that the Defendant's motion to dismiss be granted and that Plaintiff's complaint be dismissed. ECF No. 49. The Magistrate Judge's report found that Plaintiff's claims against the Michigan Department of Corrections was barred by the Eleventh Amendment. The Magistrate Judge also found that Plaintiff failed to state a viable Eighth Amendment claim because he failed to allege that the prison doctors provided grossly inadequate care. The report further found that Plaintiff did not state a claim for deprivation of liberty without due process of law. Finally, the Magistrate Judge found that Plaintiff's claims were barred by qualified immunity.

Although the Magistrate Judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, neither Plaintiff nor Defendant filed any objections. The election not to file objections to the Magistrate Judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). The failure to file objections to the report and recommendation waives any further right to appeal.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation, ECF No. 49, is **ADOPTED**.

It is further **ORDERED** that Defendants' motion to dismiss, ECF No. 44, is **GRANTED**.

It is further **ORDERED** that Plaintiff's complaint, ECF No. 1, is **DISMISSED**.

Dated: September 23, 2016

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on September 23, 2016.

s/Michael A. Sian
MICHAEL A. SIAN